

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

HAVERHILL NORTH COKE CORPORATION

and

Case 09-CA-065961

**UNITED STEEL, PAPER AND FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL
AND SERVICE WORKERS UNION, LOCAL UNION 2116**

DECISION AND ORDER

Statement of the Case

On March 14, 2012, Haverhill North Coke Corporation (the Respondent), United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Union, Local Union 2116 (the Union or USW), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

Findings of Fact

1. The Respondent's business

Haverhill North Coke Corporation (the Respondent), a corporation with an office and place of business located in Franklin Furnace, Ohio, has been engaged in the operation of a coke production plant.

The Respondent, in conducting its business operations at the Franklin Furnace, Ohio facility during the past 12 months, sold and shipped from his Franklin Furnace,

Ohio facility goods valued in excess of \$50,000 directly to points outside the State of Ohio.

The Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Union, Local Union 2116 has been a labor organization within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The following employees of the Respondent, herein called the unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Production and maintenance employees (Utility Persons, Machine Operators, Product Technicians, and Maintenance Technicians – Electrical/Mechanical) at the coke plant facility operated by HNCC located in Franklin Furnace (Haverhill), Ohio (the Coke Plant), excluding managers, confidential employees, supervisors and guards as defined under the National Labor Relations Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that:

The Respondent, Haverhill North Coke Corporation, Franklin Furnace, Ohio, its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Delaying in providing the Union with information that is relevant and necessary for it to fulfill its role as the collective-bargaining representative of our employees in the unit described below.

(b) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed under Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) On request by the USW, furnish the Union information which is necessary for, and relevant to, the Union's performance of its functions as the exclusive collective-bargaining representative of the employees in the following appropriate unit:

Production and maintenance employees (Utility Persons, Machine Operators, Product Technicians, and Maintenance Technicians – Electrical/Mechanical) at the coke plant facility operated by HNCC located in Franklin Furnace (Haverhill), Ohio (the Coke Plant), excluding managers, confidential employees, supervisors and guards as defined under the National Labor Relations Act.

(b) Within 14 days of service by the Region, post at its Franklin Furnace, Ohio facility copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 9, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since August 28, 2011.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., April 20, 2012.

Mark Gaston Pearce, Chairman

Terence F. Flynn, Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS, THE NATIONAL LABOR RELATIONS BOARD HAS ORDERED US TO POST AND ABIDE BY THIS NOTICE.

And in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify you that:

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT delay in providing United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Union, Local Union 2116 ("United Steel Workers, Local 2116" or "the Union"), with information that is relevant and necessary to the Union's representational duties, and **WE HAVE** furnished the Union with information it requested on August 28, 2011.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of your rights guaranteed by the Act.

WE WILL, on request by the USW, furnish the Union information which is necessary for, and relevant to, the performance of its function as the exclusive collective-bargaining representative of the employees in the following appropriate unit:

Production and maintenance employees (Utility Persons, Machine Operators, Product Technicians, and Maintenance Technicians – Electrical/Mechanical) at the coke plant facility operated by HNCC located in Franklin Furnace (Haverhill), Ohio (the Coke Plant), excluding managers, confidential employees, supervisors and guards as defined under the National Labor Relations Act.

HAVERHILL NORTH COKE CORPORATION
(Employer)

DATE: _____ BY: _____
(Representative) (Title)